

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| APPLICATION OF CUMBERLAND VALLEY |) | CASE NO. |
| ELECTRIC, INC. FOR A GENERAL |) | 2016-00169 |
| ADJUSTMENT OF RATES |) | |

ORDER

On November 18, 2016, Cumberland Valley Electric, Inc. ("Cumberland Valley") filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to Cumberland Valley's response to Commission Staff's Fourth Request for Information ("Staff's Fourth Request"), Item 8, for a period of ten years. The designated materials for which confidential protection is requested are more specifically described as job evaluation factors and point allocation tables that depict evaluation system benchmarks and parameters developed by a third party, Intandem, LLC, for Cumberland Valley's wage and salary plan.

In support of its petition requesting confidential treatment, Cumberland Valley asserts that the designated materials contain proprietary work product obtained from a third-party consultant that requires confidentiality in order to retain the proprietary information's commercial value. Cumberland Valley further asserts that public disclosure of the commercially sensitive information would place Cumberland Valley at a competitive disadvantage by providing its competitors with access to internal employment and compensation strategies, which would harm Cumberland Valley's

competitive position in the marketplace and, in turn, result in harm to Cumberland Valley's customers by increasing the cost of service.

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in Cumberland Valley's response to Staff's Fourth Request, Item 8, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in commercial harm to Cumberland Valley, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Cumberland Valley's petition for confidential protection for its response to Staff's Fourth Request, Item 8, is granted.
2. The materials set forth in Cumberland Valley's response to Staff's Fourth Request, Item 8, shall not be placed in the public record or made available for public inspection for a period of ten years, or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Cumberland Valley shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Cumberland Valley shall have 20 days from receipt of written notice of the request to demonstrate that the materials still

fall within the exclusions from disclosure requirements established in KRS 61.878. If Cumberland Valley is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Cumberland Valley to seek a remedy afforded by law.

By the Commission

ENTERED
JAN 09 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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